IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2358 OF 2004

Gopal Govind Sonawane ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.Uday Warunjikar for Applicant.

Mr.D.R.More, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

SEPTEMBER 6, 2004.

P.C.

1. This Application has been moved by the applicant on the assertion that inspite of order dated 17th February 2004, the applicant has not been provided with necessary medical facility. While this application was pending, this Court directed that the applicant be brought to Mumbai Central Prison and be examined by doctors in St.George's Dental Hospital. As per the said interim order passed on 16th August 2004, the

applicant was brought to Mumbai and has been examined by the concerned doctors of St.George's Dental Hospital, who in turn, have recommended that necessary treatment can be provided to the applicant in Pune Hospital.

2. The apprehension of the applicant is that the Authorities in Command Hospital had advised that the applicant would require prolonged treatment and the police authorities will not be able to ensure that the applicant is taken to Command Hospital at Wanavadi, Pune, which is under the control of Defence and that would result in treatment being delayed to the applicant.

3. To get over this problem, learned A.P.P. appearing for the State, on instructions, assures that as and when the applicant is required by the Command Hospital, Wanavadi, Pune, he will be produced on the date, time and place as specified by the said Hospital, without fail. That assurance given on behalf of the State is accepted. If that assurance is complied, then nothing more requires to be done in this Application, because this Court

in its order dated 17th February 2004, has already directed the jail authorities to make appropriate arrangements to take applicant to the Surgeon attached to the Command Hospital, Wanavadi, Pune, who operated him two years ago. The said order even directs the jail authorities to make further arrangements to take him on every date/dates, if the applicant is called by the doctor at Command Hospital for follow-up treatment.

4. In the circumstances, this Application is disposed of with direction to the Jail Authorities to ensure that on every date and time specified by the Command Hospital, Wanavadi, Pune, the applicant will be produced before the Hospital authorities punctually till the treatment of the applicant is completed.

5. The Jail Authorities shall ensure that the applicant is produced before the concerned surgeon of the Command Hospital, Wanavadi, Pune on 13th September 2004 or soon thereafter, as may be notified by the concerned Surgeon of the Command Hospital and on every subsequent date for

follow-up, till the treatment is completed.

6. The Registrar shall forward copy of this order to the Superintendent of the Command Hospital, Wanavadi, Pune for compliance.

7. All concerned to act on the ordinary copy of this order, duly authenticated by the Office.

A.M.KHANWILKAR, J.